



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,765	08/23/2000	Teruyuki Motohashi	Q60573	9997

7590 02/20/2003

Sughrue Mion Zinn MacPeak & Seas
2100 Pennsylvania Avenue NW
Washington, DC 20037-3202

EXAMINER

HARRY, ANDREW T

ART UNIT	PAPER NUMBER
2684	8

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/643,765	MOTOHASHI, TERUYUKI	
	Examiner	Art Unit	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 January 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2,4,5,7,8 and 10-15 is/are rejected.

7) Claim(s) 3,6,9 and 16-18 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 23 January 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

The Examiner acknowledges the receipt of Applicant's amendments and arguments received January 23, 2003. Claims 1, and 3-9 have been amended and claims 10-18 have been added.

Claim rejections under 35 USC § 112, first paragraph

The Applicant satisfactorily addressed the Examiner's rejection of claims 1, 4, and 7. The 35 USC § 112 rejection is therefore withdrawn by the Examiner.

Claim rejections under 35 USC § 103 (a)

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-5, 7-8 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Liukkonen et al. U.S. Patent 6,230,214* [hereinafter referred to as "*Liukkonen*"], and further in view of *Smith U.S. Patent 6,014,030* [hereinafter referred to as "*Smith*"].

As pertaining to **claims 1, 4, 7 and 10-15**, *Liukkonen* teaches a communication method and apparatus for a portable radio terminal with an IR communication function including an information processing section (see *Liukkonen*, col. 3 lines 30-45). However, the concept of judging whether or not the radio communications function is in communication and assigning a driving current/controlling the IR output, to the IR communication section based on that result is not disclosed by *Liukkonen*. *Smith*, teaches a protective circuit for a battery that limits the amount of current drawn from the battery, by multiple loads to prevent permanent damage from occurring to the battery (see *Smith*, col. 6 line 55-col. 12 line 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to add to *Liukkonen*, *Smith*'s method of controlling the current that is drawn away from the battery in the phone, and by doing this the driving current of the IR function would be limited by the battery circuit described by *Smith*. This addition would have allowed the battery in *Liukkonens*' device to operate without causing harm to the battery used to provide current to the IR function and radio communication function in his device. Another inherent aspect of the combination would include allowing the light emitting element to not be restricted when the radio communication function is not in radio communication and causing it to be restricted when the radio communication function is in radio communication

As pertaining to **claims 2, 5, and 8**, *Liukkonens*' teachings as modified by *Smith* above regarding claims 1, 4, and 7, teaches that the driving current of the light emitting diode (battery load) can be controlled in accordance with the power allocated to it in accordance with a reduced transmission power value (see *Descombes*, col. 4 line 51-col. 5 line 10).

Claims 3, 6, 9, and 16-18 are allowable over the prior art

Allowable Subject Matter

Amended claims 3, 6, 9, and new claims 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T Harry whose telephone number is 703-305-4749. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter can be reached on 703-308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

ATH 
February 11, 2003


ANDREW CONGLETON
PATENT EXAMINER 2/14/03
